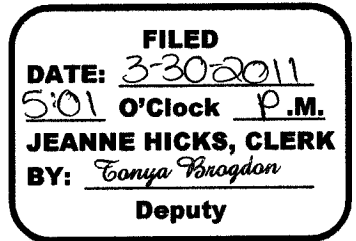


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: T. Brogdon, Deputy Clerk

CASE NO. V1300CR201080049

DATE: March 30, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney
Sheila Polk/Bill Hughes,
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly,
(Via electronic mail)
(Co-Counsel for Defendant)

(Defendant)

Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP,
(Via electronic mail)
(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:
TRIAL – Day 24

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 9:22 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Co-Counsel for Defendant
Luis Li, Co-Counsel for Defendant
Truc Do, Co-Counsel for Defendant
Miriam Seifter, Co-Counsel for Defendant
Victim Services Representative

The Court, Counsel, Detective Diskin, Defendant, Victim Services Representative and the Jury are present in the Courtroom.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

Joel Swedberg is sworn and testifies.

The Jury is reminded of the admonition, Joel Swedberg is advised of the Rule for the exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 11:14 a.m. Court reconvenes, all previously appearing parties and the Jury are present.

Joel Swedberg resumes testimony.

Joel Swedberg is reminded of the Rule for the exclusion of witnesses and excused.

The Jury is reminded of the admonition and excused for the lunch recess.

~~~Lunch Recess~~~

At 1:36 p.m. Court reconvenes, all previously appearing parties, Counsel Miriam Seifter and the Jury are present.

Dustin Chambliss is sworn and testifies.

Exhibit 374 is offered and admitted into evidence without objection.

Dustin Chambliss is advised of the Rule for the exclusion of witnesses and excused.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

The Jury is reminded of the admonition, excused for a recess and exits the Courtroom.

Counsel for Defendant moves to preclude testimony of Mr. Hamilton. Counsel for Defendant presents oral argument regarding Motion to extend time for disclosure filed March 24th and the 49th Supplemental Disclosure both filed by the State, and the February 28, 2011 Order Admonishing Witnesses.

~~~Recess~~~

At 3:13 p.m. Court reconvenes, all previously appearing parties are present. The Jury is not present.

The Court advises during the recess the Court reviewed the Motion to extend time, the 49<sup>th</sup> and 46<sup>th</sup> Supplemental Disclosures, and referred to the February 28<sup>th</sup> Order. Discussion ensues.

Counsel argue their positions regarding the Motion to extend time for disclosure, the February 28, 2011 Order, witness interviews, investigations, Rule 15.6, and disclosure issues.

Counsel for Defendant requests the opportunity to place Detective Diskin on the witness stand to testify.

Counsel for Defendant requests absolute preclusion as to Michael and Amayra Hamilton for the remaining portion of this Trial for clear violation of the February 28<sup>th</sup> Order.

The Court directs the Bailiff to advise the Jury they are excused for the remainder of the day, and to return on March 31, 2011 at 9:15 a.m.

Counsel for Defendant requests more time at their expense to send an investigator to determine the credibility of the State that's made by Michael and Amayra Hamilton. Counsel for Defendant advises disclosure is not timely.

Court advises the Order admonishing witnesses was not intended to change the basic Rule of exclusion of witnesses, it was to elaborate due to extensive media coverage.

Counsel review and discuss transcripts of witness interview. Oral argument continues regarding disclosure, witness interviews, anticipated witness and expert testimony, and causation issues.

Counsel for Defendant provides the Court with Notice of Defenses.

The Court directs the parties to return on March 31, 2011 at 8:30 a.m.

Counsel for Plaintiff discusses the previous discovery dispute between the parties with regards to the medical examiners, and requests if the Defense intends to ask the medical examiners if the state disallowed them originally to answer questions and then later were allowed to answer questions; cross-examination will be permitted on this subject.

The Court advises the guide is going to be Rule 703.

Counsel for Defendant requests under due process, the opportunity to interview the medical examiners.

The Court stands adjourned for the day.

**END TIME: 5:01 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Core, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Verde